

Revised for
Second Reading
July 5, 2006

ORDINANCE NO. 06-12

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 122 ENTITLED "ZONING" BY
AMENDING SECTION 122-63 TO PROVIDE FOR
ENFORCEMENT OF VIOLATIONS OF CONDITIONS
ESTABLISHED UNDER CONDITIONAL USE (OR SPECIAL
EXCEPTION) APPROVAL PROCEDURES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, the City Commission finds that a sufficient enforcement mechanism for conditional use violations does not exist; and

WHEREAS, prior to the current version of the Key West Land Development Regulations, adopted in 1998, conditional uses were referred to as special exceptions under an analogous system of regulatory approvals; and

WHEREAS, at its regular meeting of May 18, 2006, the Planning Board found the proposed land development regulation amendment to be consistent with the Key West Comprehensive Plan; and

WHEREAS, the City Commission finds that extending code enforcement to conditional use violations would promote the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Section 122-63 of the Code of Ordinances
is hereby amended as follows*:

Sec. 122-63. Review-procedures; enforcement.

* * * *

(f) A conditional use approval shall run with the land and
is transferable to successors in ownership. ~~However, t~~The use
must remain compliant with all applicable rules and regulations,
including any specific conditions duly mandated by the city as a
condition of the original conditional use approval. At the
city's option, it may enforce an alleged violation of a
conditional use approval either in a court of law or in the
proceedings of the code enforcement special magistrate pursuant
to the procedures set forth in chapter 2, article VI of the code
of ordinances. For the purposes of this subsection, the terms
"conditional use" and "special exception" are of equal meaning.
Such a violation shall be enforceable under, and subject to the
penalties provided in, chapter 86 and section 1-15 of the code of
ordinances, or in accordance with any other applicable provision
of the code of ordinances or of state law.

*(Coding: Added language is underlined; deleted language is ~~struck~~
through.)

Section 2. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

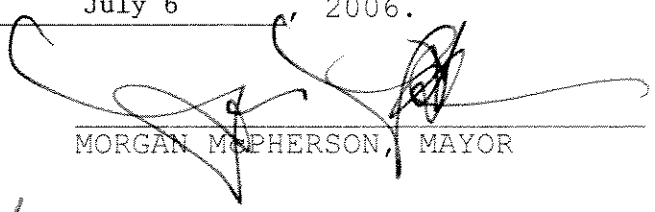
Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 20th day of June, 2006.

Read and passed on final reading at a regular meeting held this 5th day of July, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 6th day of July, 2006.

Filed with the Clerk July 6, 2006.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK